

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KELLY JERMAINE MARSH,

Petitioner,

VS.

CHERYL PRICE, Warden;
ATTORNEY GENERAL OF
THE STATE OF ALABAMA,

Respondents.

Case No. 2:09-cv-945-RBP-TMP

O R D E R

On April 7, 2010, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed with prejudice. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be and the same is hereby DISMISSED WITH PREJUDICE.

DATED this 3rd day of May, 2010.

Robert B. Probst

ROBERT B. PROBST
SENIOR U.S. DISTRICT JUDGE